

The Honorable Dean Stout and the Honorable Brian Lamb
Judges of the Inyo County Superior Court
Inyo County, Independence, California

Your Honors:

In submitting the 2004-2005 Grand Jury Final Reports, I would like to take this time to express my thanks for the opportunity to serve the county by sitting with this panel for the past two years. In my position as Foreperson during this 2004-2005 term, I would like to offer my thanks to those citizens and County representatives who had the opportunity to meet with us, for their cooperation and desire to make Inyo County a better place.

It is my hope that more citizens of Inyo County will realize the opportunity that can be theirs to serve as a member of a future Grand Jury. It is an excellent way to learn more about the county government and those who serve and a chance to meet more of the residents in our unique area. The seminars offered by the California Grand Jurors Association prepares each juror for the year ahead following their training.

As foreperson of the 2004-2005 Inyo County Grand Jury, I would like to express my appreciation to my fellow jurors for their time, willingness to help and their flexibility.

Sincerely,

Frieda La Cues, Foreperson
2004-2005 Inyo County Grand Jury

2004-2005 GRAND JURY FINAL REPORT

Agency and Officials Response Requirements

Sections 925 of the California Penal Code provides that Grand Juries shall investigate and report on the operations, departments or functions of the County, and Section 925(a) provides that they may do the same on the operations, departments or functions of any city within the County.

Penal Code Sections 933 et seq., requires public agencies and elective County officers affected by the findings and recommendations contained in the Grand Jury's Final Report to respond to such recommendations. The affected public agencies have ninety days, and elective public officers have sixty days in which to file their responses.

As to Grand Jury recommendations, Penal Code Section 933.05 also requires responding parties to indicate whether each recommendation has been implemented or will be implemented and, if so, when. If a responding party will not implement a recommendation, the party must explain why it will not implement such a recommendation. If a party believes that a recommendation requires further study, Penal Code Section 933.05 requires that it be stated when the results of the study will be publicly discussed.

INYO COUNTY GRAND JURY, 2004-2005

Frieda La Cues, Foreperson, Independence*
Linda Kimball, Foreperson pro tem, Bishop*
Bill Tindall, Recording Secretary, Bishop
Patricia Thorn, Corresponding Secretary, Keeler*
Harvey Von Stuck, Treasurer, Bishop
Bruce Dishion, Bishop*
Norberta Fullen, Bishop
Robert Michener, Bishop
Gary Morris, Big Pine
Kathleen New, Lone Pine
Margaret Bradburn, Bishop (resigned Aug. 2004)
Jack Hendee, Bishop (resigned Nov. 2004)*

***Indicates 2nd year of Grand Jury service**

MISSION STATEMENT

The Inyo County Grand Jury is an arm of the Superior Court system and serves as an investigatory body.

The Grand Jury:

- ◆ Will act as the public's "watchdog" by investigating the affairs of government.
- ◆ Will judiciously investigate all allegations against and misconduct by public officials.

Our purpose is to assure honest, efficient government that functions in the best interest of the citizens of Inyo County.

Introduction:

The Grand Jury is an instrument of the judicial system of our government and carries on the best tradition of English Common Law and democratic government. Our form of government has vested the ultimate power of decision in its citizens. The Grand Jury is a reflection of this intent, and has been in place for over 50 years.

The Inyo County Grand Jury is composed of eleven citizens nominated by judges, members of the Inyo County Board of Supervisors, and city council members. Citizens may volunteer by contacting one of the aforementioned offices. Members of the Grand Jury are selected in a random drawing conducted by the Presiding Judge of the Superior Court. The Grand Jury's term of office is for one year.

What is the Grand Jury?

The Grand Jury is an investigatory body and is part of the government. Both the Constitutions of the United States and the State of California call for Grand Juries. Unlike a trial jury, which exists only to try individual cases, the Inyo County Grand Jury is a permanent body with members serving one-year terms.

In the course of its investigations the Grand Jury may hire independent auditors and subpoena witnesses and documents. The Jury may ask advice of Legal Counsel on civil matters, confer with the Inyo County District Attorney on criminal matters, and discuss problems with the judges of the Superior Court.

The Grand Jury is charged by the Court to order audits and to conduct hearings, interviews and investigation. The charge provides definition and delineation, so that the effort of the Jury is focused on solutions. Committees within the Jury are established to better manage the responsibilities and utilize individual talents and abilities. There is latitude in selection of the area of investigation.

The Jury has oversight responsibility for all publicly funded local entities operating in Inyo County and acts in the role of Ombudsman for any citizen complaining against any government entity or official with Inyo County. Local entities under the jurisdiction of the Grand Jury include the County of Inyo, the City of Bishop, joint power agencies, public prisons and limited jurisdiction over special districts and school districts located in Inyo County. The Grand Jury does not have jurisdiction over State or Federal government operations including the court system.

The Jury's Annual Report is submitted to the Presiding Judge of the Superior Court of Inyo County. The Grand Jury distributes its Annual Report to all affected agencies and to the citizens of the County.

The findings and recommendations in its Final Report are required to be answered by all affected agencies in the time specified by the Penal Code. While the Penal Code does not require any follow-up by subsequent Grand Juries, it is implied.

Interested parties are encouraged to read the full responses from affected agencies on file with the Superior Court. Citizens are encouraged to respond to any part of the Final Report.

Civil Responsibilities:

The Grand Jury may examine all aspects of County and City Government, and special districts, to ensure that the best interests of the citizens are being served. The Grand Jury reviews and evaluates procedures, methods, and systems used by the County government for efficiency and economy.

The Grand Jury is authorized to:

- ◆ Inspect and audit books and records to ensure legal expenditures and accounting of public funds.
- ◆ Inquire into the conditions of prisons, jails, and detention centers in Inyo County.
- ◆ Inquire into charges of willful misconduct in office by public officials or employees.
- ◆ Subpoena witnesses and documents in the course of an investigation.

The Grand Jury reports on investigations in the Annual Final Report. The Final Report contains all findings and recommendations, made, as a result of the investigations and is distributed to public officials, libraries, and to the general public and news media.

Citizen Complaints:

As part of its civil function, the Grand Jury, receives written complaints from citizens alleging inefficiencies and misconduct in government, or mistreatment by public officials. Complaints received from citizens are investigated for their validity. Such complaints are kept confidential, and members of the Grand Jury frequently rely on information from concerned citizens who are aware of problems and who are willing to pursue corrective action. If the situation warrants, and the matter is under the jurisdiction of the Grand Jury, appropriate action is taken. That action may be a report, a recommendation for civil action, or a formal indictment or accusation if criminal matters are involved.

2004-2005 INYO COUNTY
GRAND JURY REPORT

2004-2005 INYO COUNTY GRAND JURY REPORT ON JAILS AND PRISONS WITHIN INYO COUNTY

REASONS FOR REVIEW

California Penal Code Section 919b provides that all county grand juries shall inquire into the conditions and management of all public jails and prisons (holding facilities) within their respective counties during their terms of service. An "inquiry" may be anything from a full-blown investigation to a simple walk through of a facility and its attending discussions with staff personnel.

METHODS OF INVESTIGATION

In keeping with the Penal Code, the 2004-2005 Inyo County Grand Jury visited each of the four holding facilities in the county during 2004: the Inyo County Jail and the Juvenile Detention Center on August 25, and both the Bishop City Jail and the Owens Valley Conservation Camp #26 on September 15. The jury's findings and recommendations are as follows:

INYO COUNTY JAIL

FINDINGS:

- ◆ This facility is capable of housing eighty-four male and twelve female inmates.
- ◆ The prison area is clean and well managed with a professional staff.
- ◆ We find the facility somewhat understaffed because of low wages and the time needed to recruit and train new officers.
- ◆ Food and medical care for inmates is adequate.
- ◆ A prisoner escaped from a work detail. There is an Internal Affairs investigation as to what happened. Controls need to be tightened on inmates going on work details.
- ◆ The County is paying to send officers through the Academy for training. The newly trained officers are accepting lateral positions with other law enforcement agencies that offer better salaries.

RECOMMENDATIONS

- ◆ Attempt to expedite recruitment and training of new officers.
- ◆ By offering better salaries Inyo County could benefit by being able to obtain experienced officers or lateral transfers from other agencies as well as retaining their present employees.

JUVENILE DETENTION FACILITY

FINDINGS

- ◆ The facility is clean and well maintained.
- ◆ The exterior care of the yard and entrance is not acceptable. Landscaping is poor or non-existent.
- ◆ Facility badly understaffed.
- ◆ Day room acoustics are very poor. Poor acoustics lead to supervision and communication problems. All past grand juries have reported this defect to no avail.
- ◆ There is still a foul unidentified odor in the building, which becomes extreme in February, March and April. Past juries have reported this for years.
- ◆ Kitchen facilities are not adequate.
- ◆ Hard to retain officers because of low salaries.
- ◆ No on site full-time Director.

RECOMMENDATIONS

- ◆ Exterior care of the grounds is very poor. Lawn overrun with weeds and needed mowing badly. More attention is necessary.
- ◆ Bring staff up to what is necessary to run facility properly. Pay competitive salaries.
- ◆ Kitchen facilities are not adequate and need to be improved.
- ◆ Day room acoustics need to be corrected to reduce noise to an acceptable level.
- ◆ The foul odor present in the building during February, March and April needs to be eliminated.
- ◆ Better wage incentive.
- ◆ On site full-time Director.

BISHOP CITY JAIL

FINDINGS

- ◆ Facility is clean and well maintained.
- ◆ Facility is still cramped for space.
- ◆ Main entrance security should be improved.
- ◆ Staff was professional and responsive.

RECOMMENDATIONS

- ◆ Facility needs more space.
- ◆ Improve security and safety at front of building.

OWENS VALLEY CONSERVATION CAMP #26

FINDINGS

- ◆ The Camp is a State of California Department of Corrections minimum-security prison. Capacity is 126 inmates.
- ◆ Camp is very clean and well maintained.
- ◆ The Camp is an asset to both Inyo and Mono Counties. Fire crews can be sent anywhere in the state. Work crews clean up highways, county and city parks and helps clean grounds of non-profit organizations.
- ◆ Inmates do all maintenance and upkeep of the facility as well as food preparation and cleanup, laundry and some clerical duties.

RECOMMENDATIONS

Consider providing additional opportunity of vocational training.

2004-2005 INYO COUNTY GRAND JURY REPORT ON COUNTY EXECUTIVE OFFICE/OFFICER

The 2004-2005 Grand Jury, soon after organization for the new year, decided to contact and interview as many Inyo County Department Chiefs as possible in order to educate each jury member as to the function, operation and responsibilities of each department with the county.

County Executive Officer Rene Mendez met with the jury on September 15, 2004. The jury learned of the wide area of responsibility of that position and gained insight of the multiple difficulties faced by the County in dealing with Los Angeles Department of Water and Power regarding compliance with the Water Agreement and negotiations on extension of the Bishop Airport property lease.

Feasibility studies were being done on centralizing and constructing a facility for the various County offices located in Bishop to one property owned by the County in Southern Bishop on U.S. Highway 395. In these days of financial cutbacks, it was reassuring to know that the County Administration was looking for ways to save moneys spent on so many leases for the various offices located in the northern area of the county.

There is a monthly coordination meeting for disaster preparedness that is well attended. The primary focus in Inyo County is on natural disasters.

The Inyo County Grand Jury commends the Executive Officer for the dedication of service to the residents of Inyo County by being able to keep on top of so many responsibilities and by adding encouragement to the many hundreds of employees that work under the supervision of that department. The jury extends best wishes to Mr. Mendez in his continuing career in another area of the state. To his successor in the position of Executive Officer, we extend our best wishes for a long and successful career for the County of Inyo.

No recommendations.

2004-2005 INYO COUNTY GRAND JURY REPORT ON COUNTY OF INYO TAX COLLECTOR

The 2004-2005 Grand Jury met with Mr. John Treacy, Inyo County Tax Collector, on October 6, 2004. Mr. Treacy was first hired as the Assistant to the Tax Collector. After five years, Mr. Treacy was appointed to the position of Tax Collector, which he has maintained for nearly twenty-five years.

Mr. Treacy shared that his success was due to his excellent staff. At this time, his office is short one position due to the early retirement incentive recently offered. Not only was the employee lost, but the actual position as well.

One of the main functions of the Inyo County Tax Collector is to invest the funds on deposit in Inyo County accounts. The Department bills, collects and enforces property taxes within the county.

Commendation: The Jury wishes to extend thanks to Mr. Treacy and his staff for doing such a fine job for the citizens of Inyo County.

No recommendations.

2004-2005 INYO COUNTY GRAND JURY REPORT ON INYO COUNTY CLERK

Ms. Beverly Harry, Inyo County Clerk, met with the Jury on October 20, 2004. Ms. Harry enlightened the jury as to the voter registration requirements. She then described the proper procedures in the handling and counting of the ballots in each election. Ms. Harry also described how the ballots are delivered to the Clerk's Office on Election night from the various polling precincts.

Ms. Harry extended her appreciation to the volunteers who helped during the very busy election periods. She also shared with the jury the requests received for observers during the counting of ballots as an added precaution during highly contested races.

Her only shared concern with the jury was the inaccessibility of her office to handicapped or physically challenged citizens of the county.

The jury panel thanks Ms. Harry and her staff for their dedication and service to the citizens of Inyo County.

No recommendation.

2004-2005 INYO COUNTY GRAND JURY REPORT ON

PUBLIC WORKS

On December 1, 2004, the Grand Jury met with the Director of Public Works, Mr. Jeff Jewitt. The jury learned that the Department of Public Works for the County of Inyo encompasses numerous divisions and a very broad area of responsibility. The Director of Public Works is a registered Civil Engineer and Land Surveyor. Public Works has approximately 68 employees working in the following divisions:

- ◆ Road Department, the largest division, maintains over 1,000 miles of roadways, 535 of them paved. It also cares for 22-23 bridges. It has 4 subdivisions: The Bishop District cares for Line Street north; Bishop/Big Pine has from Line Street south to Tinnemaha; Independence from Tinnemaha to Manzanar; and Lone Pine from that point south to the county line.
- ◆ Building and Safety handles permits, inspections, etc. There are two building inspectors: one for Bishop and one who handles Big Pine south.
- ◆ Building and Maintenance is responsible for 35-36 facilities. It is responsible for repairs, maintenance, painting and janitorial services.
- ◆ Engineering cares for water systems, etc.
- ◆ Surveyors are responsible for plot maps, etc.

The County has made significant progress such as training for the first response on Hazmat events, working together to prepare for natural disasters such as dams out, etc. Several drills have been conducted with postmortems to evaluate the success of the drills.

Building Inspectors are certified to inspect buildings after earthquakes to either allow or disallow people to return to the buildings. Although more always needs to be done, there is real progress in training. Office of Emergency Service funds have been used to purchase trailers to be used for command posts during such disasters.

The jury learned that the Buildings and Maintenance Division is in good shape, but that the Road Department is only in fair condition. Due to budgetary restraints, no new equipment has been ordered for two years and much of the department

equipment needs to be replaced. The option of lease/purchase for needed equipment is being evaluated.

The jurors commend the Public Works Department in doing the best job possible with the number of employees it has for the vast area of Inyo County with the budget restraints that are in place.

No recommendations.

2004-2005 INYO COUNTY GRAND JURY REPORT ON WATER DEPARTMENT

On October 27, 2004, Mr. Greg James, Inyo County Water Department Director, gave background and history of the relationship between Inyo County and the Los Angeles Department of Water and Power. Mr. James, having served in his current capacity for many years, has a wealth of information regarding water and vegetation issues important to this county.

The Water Department at this time has four main areas of concern:

- ◆ Trying to manage surface and ground water activities by LADWP.
- ◆ Trying to ensure that enhancements and mitigation projects are implemented by LADWP.
- ◆ Restoration of the Lower Owens River Project (LORP)
- ◆ Salt cedar control

Inyo County receives approximately three million dollars from LADWP every year. The county decides where the money is to be spent. About 1.2 million goes to funding the water budget. Grant funds are used to augment the water budget.

Mr. James will be retiring at the end of 2004. He has been hired for a period of six months to act as a consultant to the Water Department until a new director is found. The jury is hopeful that he will be able to share a portion of his wealth of knowledge with his successor.

Some of the concerns of the jury and the Water Department responses follow:

- ◆ Re-watering of the Lower Owens River. This fight has been going on since before 1986 and has still not been satisfied. A great number of local residents are unhappy with L.A.'s Environmental Impact Report. The law requires that the LORP be implemented by April 2006 or Los Angeles could be penalized for lack of "good faith effort". Los Angeles has to get a permit from California Water Resources to put water into the Owens River.

- ◆ Bishop Cone. New wells have replaced wells from the 1930's and because these new wells are more efficient, they pump more water. All water pumped from these wells should be used locally, but is difficult to verify.
- ◆ Water conservation by Los Angeles. Property changing hands must have low-flow toilets and showers. About 50% of properties have these. Los Angeles is reclaiming sewer water to water parks, etc. Relatively high water rates help reduce consumption.
- ◆ Town Water Systems. Inyo County reluctantly agreed to take over the water systems for Laws, Independence and Lone Pine so that residents would not be charged Los Angeles rates, which would have at least doubled their current rates.

The jury thanks the Inyo County Water Department for their diligence of watching over the interests of the residents of Inyo County and the on-going water problems.

No recommendations.

2004-2005 INYO COUNTY GRAND JURY REPORT ON TECOPA HOT SPRINGS

During the 2004-05 Grand Jury year, the operation of Tecopa Hot Springs has been brought to the attention of the jury several times. The jury has received numerous personal complaints and followed similar complaints through the news media.

Tecopa Hot Springs is a county operated park on land leased from BLM near Tecopa, California. The county has operated the facility for many years, and also uses the same plot of land to facilitate other Inyo County operations for the residents of Tecopa. The park consists of enclosed hot spring bathing and soaking as well as a playground for children. There is a very primitive campground trailer park area located on the lease and a sewage lagoon/sewer pond to service the facility. There are senior citizen types of services similar to those offered throughout Inyo County.

For years, Inyo County has managed the facility using county employees at a cost of sever hundred thousand dollars each year. The county has suffered the cost of maintenance, vehicles, and liability while basically providing the park free of charge to users. While some users are citizens of Inyo County, many visitors are transient.

During recent years, Inyo County has felt it prudent to entertain other options rather than continue operating the bath house/hot springs at a significant cost to all Inyo County residents. The county requested and advertised the hot springs as available for operation by private concessionaires and only received one operational bid that was acceptable. The acceptable bid came in through a group named California Land Management (CLM). There has been much dissatisfaction from that day forward expressed by a local group, The Hummingbird Alliance.

CLM has operated the bath house facility and the campground trailer park since the signing of the lease. They have completed minimal maintenance to the bathhouse bathing facility and are intending to enhance the trailer park portion of the complex. The lease between Inyo County and CLM requires CLM to pay Inyo a portion of profits when and if profits are made. To date, the operation continues to cost Inyo County less than one hundred thousand dollars each year to operate the county portion of the facility.

It has been apparent to the Grand Jury that the sewage pond located on the property is in need of repair and has a significant leak. Several options to repair the pond are being considered. The leak must be repaired. Inyo County is the responsible party to either repair the pond or return the pond area to its natural condition.

FINDINGS

- ◆ Inyo County has reduced county cost operations significantly by leasing the park facility at Tecopa to California Land Management, a great savings to Inyo County residents.
- ◆ CLM has made minimal repairs to the park; however, much more needs to be completed in the campground/trailer park area.
- ◆ There is leakage noted in the sewage pond area.
- ◆ The park in Tecopa receives minimal use by the majority of Inyo County residents, and provides huge cost and liability problems for the county.

RECOMMENDATIONS

- ◆ Continue the lease with CLM and encourage them to modernize the facility. If CLM makes money, so does Inyo County.
- ◆ Rectify the problems with the sewage lagoon as quickly as possible.
- ◆ While there is no clear majority within the Grand Jury, some consideration should be given to Inyo County walking away from the facility. Consideration should be given to relocating county services at a different location in Tecopa for Tecopa residents.

